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Federal Election Commission

Regarding Best Efforts Procedures and Accrued Expenses from year end 2012.

A. On our original 2012 year end report the accrued expenses for Russo Marsh were reported as a lump sum. Upon further review of the invoices we amended to show purposes that were more reflective of the expenses which resulted in break out the accrued expenses.

B. Best efforts procedures for the committee:

1. Request information with each solicitation.
  - a. Keep copy of all remittance forms that come with each contribution, blank or filled out.
2. If information is not provided by contributor follow-up with letter or email within 30 days.
  - a. Keep copy of each letter or email.
  - b. See language below.
3. Make all efforts to have information available for each monthly report deadline to avoid needing to file amendments.
4. Amend or file memos as needed once information is received or best efforts met.

From FEC Manual:

If an individual who has contributed more than \$200 during the calendar year fails to provide the required recordkeeping information (i.e., name, address, occupation and employer), the committee must be able to show that it made best efforts to obtain and report that information.

To demonstrate best efforts, the committee must be able to show that it requested the information

1. In the solicitation materials that prompted the contribution
2. In a follow-up request.

Furthermore, if requested information is not received until after the contribution has been reported, the committee must report the information:

The committee must either:

File amendments to the original reports; or

File a memo Schedule A with its next regularly scheduled report, listing all contributions for which new contributor information has been received.

To satisfy the best efforts standard, solicitation materials must include an accurate and clear statement of the laws requirements for the collection and reporting of contributor information.

The following examples are acceptable wording that may be included in the solicitations (other statements of similar meaning may also be used):

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in a calendar year.

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To comply with federal law, we must use best efforts to obtain, maintain and submit the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per calendar year.

The request and the statement must appear in a clear and conspicuous manner on both the committees solicitations and response materials. The request and statement will not be considered to be clear and conspicuous if:

The request and statement are printed in smaller type than the solicitation and response materials;

The printing is difficult to read; or

The request and statement are placed where they may be easily overlooked. 104.7(b)(1).

#### Follow-Up Request Within 30 Days

If the contributor does not provide sufficient reporting information when making a contribution, the committee must make at least one request for the information after the contribution is received. This follow-up request must be made for any solicited

or unsolicited contribution that exceeds the \$200 threshold and lacks the necessary information

The request must be made within 30 days of receipt of the contribution; it may not include an additional solicitation or material on any other subject, but it may thank the contributor.

The follow-up request may be made orally or in writing, but a written request must be accompanied by a preaddressed postcard or envelope for the response.

Requests made by telephone must be documented in a memorandum.

A political committee may also use e-mail to request missing contributor information.

Committees must retain records of follow-up requests.

The follow-up request must, like the solicitation, include an accurate and clear statement of the Acts requirement for the collection and reporting of contributor information, such as stated in the examples above.

Kelly Lawler  
Treasurer

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